

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FRAGMENTED POLYMERIC COMPOSITIONS AND METHODS FOR THEIR USE the specification of which        is attached hereto or XX was filed on FEBRUARY 27, 1998 as Application No. 09/032,370 and was amended on        (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
NA			Yes <u>      </u> No <u>      </u>
			Yes <u>      </u> No <u>      </u>

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

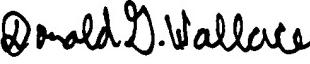
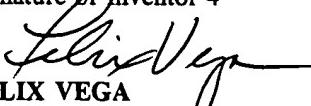
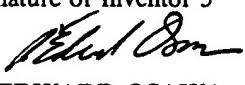
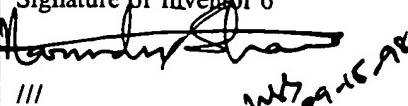
Application No.	Filing Date
60/050,437	JUNE 18, 1997

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
08/903,674	JULY 31, 1997	<u>      </u> Patented <u>X</u> Pending <u>      </u> Abandoned
08/704,852	AUGUST 27, 1996	<u>      </u> Patented <u>      </u> Pending <u>X</u> Abandoned

Full Name of Inventor 1	Last Name <b>WALLACE</b>	First Name <b>DONALD</b>	Middle Name or Initial G.	
Residence & Citizenship	City <b>MENLO PARK</b>	State/Foreign Country <b>CALIFORNIA</b>	Country of Citizenship <b>USA</b>	
Post Office Address	Post Office Address <b>290 RINGWOOD AVENUE</b>	City <b>MENLO PARK</b>	State/Country <b>CALIFORNIA</b>	Zip Code <b>94025</b>
Full Name of Inventor 2	Last Name <b>REICH</b>	First Name <b>CARY</b>	Middle Name or Initial J.	
Residence & Citizenship	City <b>LOS GATOS</b>	State/Foreign Country <b>CALIFORNIA</b>	Country of Citizenship <b>USA</b>	
Post Office Address	Post Office Address <b>15621 LOMAS LANE</b>	City <b>LOS GATOS</b>	State/Country <b>CALIFORNIA</b>	Zip Code <b>95030</b>
Full Name of Inventor 3	Last Name <b>SHARGILL</b>	First Name <b>NARINDER</b>	Middle Name or Initial S.	
Residence & Citizenship	City <b>DUBLIN</b>	State/Foreign Country <b>CALIFORNIA</b>	Country of Citizenship <b>UNITED KINGDOM</b>	
Post Office Address	Post Office Address <b>11300 ROLLING HILLS DRIVE</b>	City <b>DUBLIN</b>	State/Country <b>CALIFORNIA</b>	Zip Code <b>94568</b>
Full Name of Inventor 4	Last Name <b>VEGA</b>	First Name <b>FELIX</b>	Middle Name or Initial	
Residence & Citizenship	City <b>SAN FRANCISCO</b>	State/Foreign Country <b>CALIFORNIA</b>	Country of Citizenship <b>USA</b>	
Post Office Address	Post Office Address <b>53 CARMELITA STREET</b>	City <b>SAN FRANCISCO</b>	State/Country <b>CALIFORNIA</b>	Zip Code <b>94117</b>
Full Name of Inventor 5	Last Name <b>OSAWA</b>	First Name <b>A.</b>	Middle Name or Initial EDWARD	
Residence & Citizenship	City <b>SAN FRANCISCO</b>	State/Foreign Country <b>CALIFORNIA</b>	Country of Citizenship <b>USA</b>	
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Full Name of Inventor 6	Last Name <b>///</b>	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  DONALD G. WALLACE	Signature of Inventor 2  CARY J. REICH	Signature of Inventor 3  NARINDER S. SHARGILL
Date 9/14/98	Date 9/11/98	Date 09-15-98
Signature of Inventor 4  FELIX VEGA	Signature of Inventor 5  A. EDWARD OSAWA	Signature of Inventor 6  NARINDER S. SHARGILL
Date 9-15-98	Date 9/14/98	Date

DEC-6.MRG 8/96  
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7067-00203045

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER

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Washington, D.C. 20231

JANUARY 26, 1999  
99 FEB -2 AM 8:33 PTAS  
TOWNSEND AND TOWNSEND AND CREW LLP  
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\*100844506A\*

jc564 U.S. PTO  
09/553969  
04/21/00

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/25/1998

REEL/FRAME: 9483/0331  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WALLACE, DONALD G.

DOC DATE: 09/14/1998

ASSIGNOR:

REICH, CARY J.

DOC DATE: 09/11/1998

ASSIGNOR:

SHARGILL, NARINDER S.

DOC DATE: 09/15/1998

ASSIGNOR:

VEGA, FELIX

DOC DATE: 09/15/1998

ASSIGNOR:

OSAWA, A. EDWARD

DOC DATE: 09/14/1998

ASSIGNEE:

FUSION MEDICAL TECHNOLOGIES, INC.  
1615 PLYMOUTH STREET  
MOUNTAIN VIEW, CALIFORNIA 94043

9483/0331 PAGE 2

SERIAL NUMBER: 09032370  
PATENT NUMBER:

FILING DATE: 02/27/1998  
ISSUE DATE:

SEDLEY PYNE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

**POWER OF ATTORNEY BY ASSIGNEE**

**Fusion Medical Technologies, Inc., 1615 Plymouth Street, Mountain View, California 94043, is the Assignee of the invention entitled:**

**FRAGMENTED POLYMERIC COMPOSITIONS AND METHODS FOR THEIR USE**

The specification of which        is attached hereto or   X   was filed on February 27, 1998 as Application No. 09/032,370.

The Assignment accompanying this Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James M. Heslin, Reg. No. 29,541  
Gary T. Aka, Reg. No. 29,038  
Robert C. Colwell, Reg. No. 27,431  
Paul C. Haughey, Reg. No. 31,836  
David N. Slone, Reg. No. 28,572  
William M. Smith, Reg. No. 30,223  
Margaret A. Powers, Reg. No. 39,804

Darin J. Gibby, Reg. No. 38,464  
Mark D. Barrish, Reg. No. 36,443  
Joe Liebeschuetz, Reg. No. 37,505  
James F. Hann, Reg. No. 29,719  
Randolph T. Apple, Reg. No. 36,429  
John R. Storella, Reg. No. 32,944  
Hao Y. Tung, Reg. No. 43,209

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Send Correspondence to:  
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San Francisco, CA 94111-3834

Direct Telephone Calls to:  
James M. Heslin, Esq.  
Reg. No. 29,541  
650/326-2400

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**Fusion Medical Technologies, Inc.**

Date: 9-11-98

By:

Cary J. Reich  
Cary J. Reich

Title: Vice President Research

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: DONALD G. WALLACE et al.

Application or Patent No.: 09/032,370

Filed or Issued: FEBRUARY 27, 1998

Title: FRAGMENTED POLYMERIC COMPOSITIONS AND METHODS FOR THEIR USE

I hereby declare that I am:

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: FUSION MEDICAL TECHNOLOGIES, INC.

Address of Small Business Concern: 1615 Plymouth Street

Mountain View, California 94043

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled FRAGMENTED POLYMERIC COMPOSITIONS AND METHODS FOR THEIR USE by inventor(s) DONALD G. WALLACE, CARY J. REICH, NARINDER S. SHARGILL, FELIX VEGA & A. EDWARD OSAWA described in:

- the specification filed herewith.  
 Application No. 09/032,370, filed February 27, 1998.  
 Patent No.       , issued       .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name ///

Address       

Individual       Small Business Concern       Nonprofit Organization

Name       

Address       

Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Cary J. Reich

Title of Person if Other than Owner: Vice President Research

Address of Person Signing: 1615 Plymouth Street

Mountain View, California 94043

Signature Cary J. Reich

Date 9-11-98